

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Bear Lake, Michigan)

)  
)  
) **FILED/ACCEPTED**  
) RM-  
)  
) **MAR - 1 2012**  
)  
Federal Communications Commission  
Office of the Secretary

To: Marlene Dortch, Secretary  
Federal Communications Commission  
Attn: Audio Division, Media Bureau

**PETITION FOR RULE MAKING**

Roy E. Henderson ("Petitioner"), licensee of Radio Station WCUZ (FM), Bear Lake, Michigan ("WCUZ"), hereby submits this Petition for Rule Making to amend the FM Table of Allotments in order to provide better service to the public. The Petitioner presently operates on Channel 261A but wishes to increase to a Class C3 on Channel 264. To accomplish this, the FM Table of Allotments must be changed. The following table summarizes the change requested in this Petition:

| <u>Community</u> | <u>Present</u> | <u>Proposed</u> |
|------------------|----------------|-----------------|
| Bear Lake, MI    | 261A           | 264C3           |
| Custer, MI       | 263A           | 260A            |
| Midland, MI      | 227C2, 259C    | 227C2, 259C0    |

**Background**

This Petition for Rule Making is filed as part of a "hybrid" contingent proposal, involving both this rule making proposal and an application<sup>1</sup>. A minor change

<sup>1</sup> See Revisions of Procedure Governing Amendments to FM Table of Allotments and Change of Community of License in the Radio Service, 21 FCC Rcd 14212, para. 17 (2006)

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application (FCC Form 301) is being filed on this date by Petitioner proposing to modify the facilities of WCUZ from Channel 261A to Channel 264C3. As part of this modification, the Petitioner is requesting the downgrade of Radio Station WUGN (FM), Midland, Michigan, from Channel 259C to Channel 259C0.

### Discussion

As indicated above, WCUZ operates on Channel 261A, but can be improved to that of Class C3 on Channel 264. To allow this upgrade the following must happen:

- A. the vacant allotment at Custer, Michigan on 263A can be moved to Channel 260A. Channel 260A is usable at allocation site: 43-56-15.6N x 86-19-42.1W.
- B. Radio Station WUGN (FM), Midland, Michigan must be downgraded from a Class C to Class C0.
- C. the allocation coordinates of WCUZ must be changed to: 44-30-47.1N x 86-05-45.1W.

As a result of the proposed changes in this Petition, a greater number of listeners will be able to receive service on Channel 264C3 (37,737) then on Channel 261A (16,325), an increase of almost fifty (50) percent<sup>2</sup>. This positive result is fully demonstrated in the attached Engineering Exhibit prepared by Bromo Communications, Inc.

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<sup>2</sup> See 2012 Census for the United States

**Conclusion**

Accordingly, Petitioner respectfully urges the Commission to issue a Notice of Proposed Rulemaking for the proposing the changes herein. Moreover, the Commission should approve this "hybrid" application/rule making proposal, as it is *clearly* in the public interest.

Respectfully submitted,

ROY E. HENDERSON

By: 

John C. Trent, Esquire  
His Counsel

March 1, 2012

*Putbrese Hunsaker & Trent, P.C.*  
200 S. Church Street  
Woodstock VA 22664

Technical Portion  
Petition for Rule Making  
Bear Lake, Michigan  
February 2012

This Technical Portion of the Petition for Rule Making is being compiled on behalf of Roy E. Henderson, licensee of WCUZ (FM), Bear Lake, Michigan. WCUZ currently operates on Channel 261A but wishes to increase to Class C3 on Channel 264. This desired move is within three channels of the presently allocated Channel 261 and therefore the Class C3 will be reserved for WCUZ. In order to accomplish this Class C3 upgrade, the following changes will be necessary:

**A substitution in the allocation of Channel 260A at Custer, Michigan.** This is an allocation that has yet to be auctioned. Channel 260 is usable at a nearby allocation site:

43 58 15.6 N  
86 19 42.1 W

From this location all allocation requirements are met or exceeded for the Custer allocation. A demonstration of the 70 dBu uniform terrain coverage from the allocation site as well as a spacing study is part of this Technical Exhibit.

**WUGN, Midland, Michigan Downgrade.** Currently, WUGN operates with 100 KW from a HAAT of 304 meters. Although this facility is very close to the minimum Class C0 facility, WUGN is currently designated as a full Class C facility. This Rule Making seeks to be a triggering device to downgrade WUGN to the class it currently operates,

Class C0. This downgrade is necessary to accommodate the Custer allocation on Channel 260.

**WCUZ 264C3 Allocation Coordinates:**

44 30 47.1 N  
86 05 45.1 W

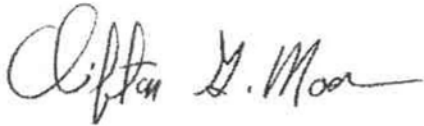
Enclosed is a map showing uniform terrain coverage from the Class C3 allocation site. The proposed C3 allocation serves all of Bear Lake with the 70 dBu signal without terrain blockage. A Form 301-FM application is simultaneously being filed with the Petition for Rule Making requesting operation at the increased class.

A point of public interest is the increase of coverage of the expanded allocation. The present licensed WCUZ 60 dBu covers 16,325 persons. The WCUZ C3 concurrently filed Form 301-FM Application serves 37,737 persons in the 60 dBu. This proposal more than doubles the current population served. Population was taken from the 2010 Census for the United States.

**Proposal**

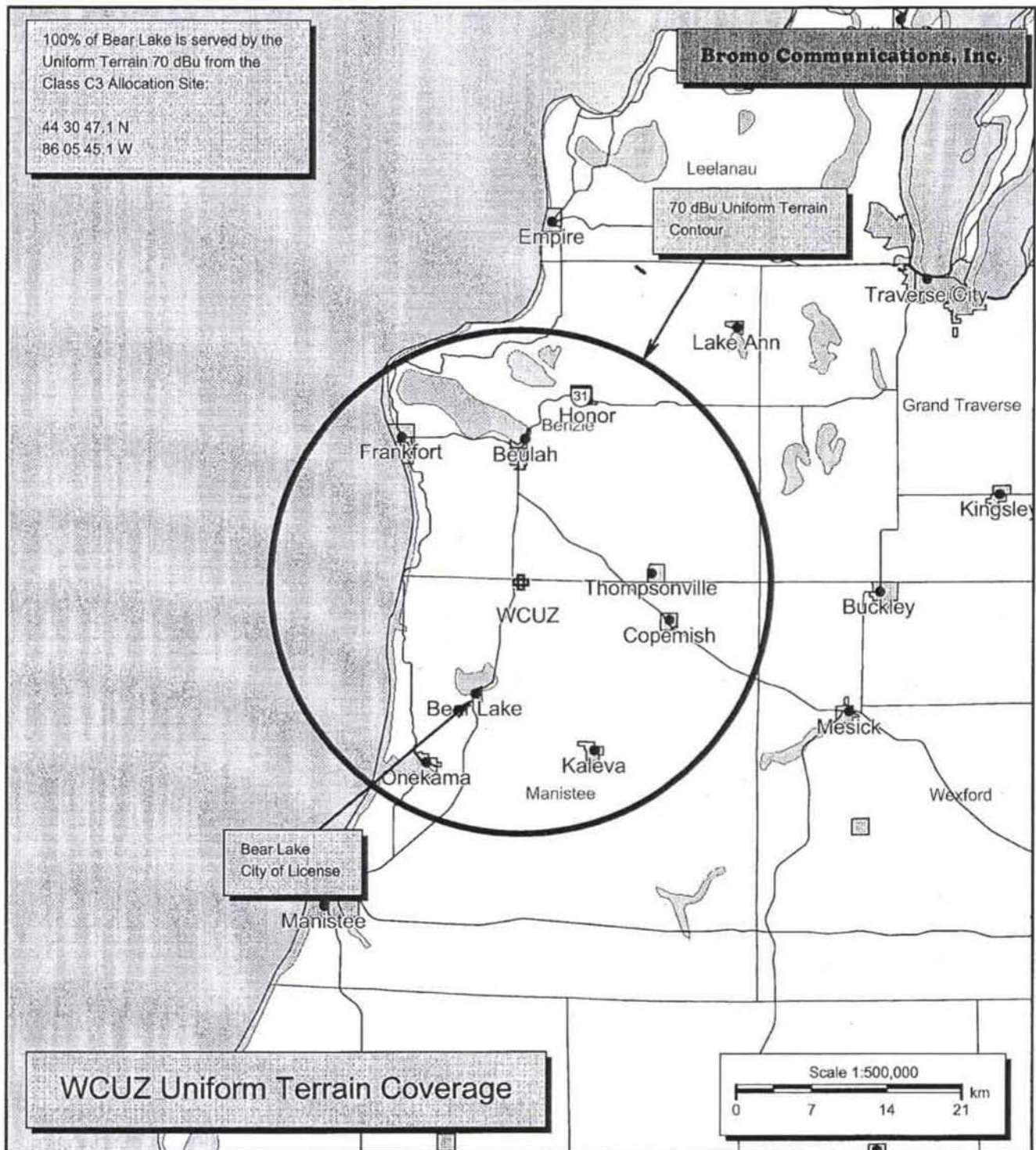
| <u>Community</u> | <u>Present</u> | <u>Proposed</u> |
|------------------|----------------|-----------------|
| Bear Lake, MI    | 261A           | 264C3           |
| Custer, MI       | 263A           | 260A            |
| Midland, MI      | 227C2, 259C    | 227C2, 259C0    |

All information contained herein is thought to be accurate to the knowledge of the undersigned:

A handwritten signature in cursive script, reading "Clifton G. Moor". The signature is written in dark ink and is positioned above a horizontal line.

February 19, 2012

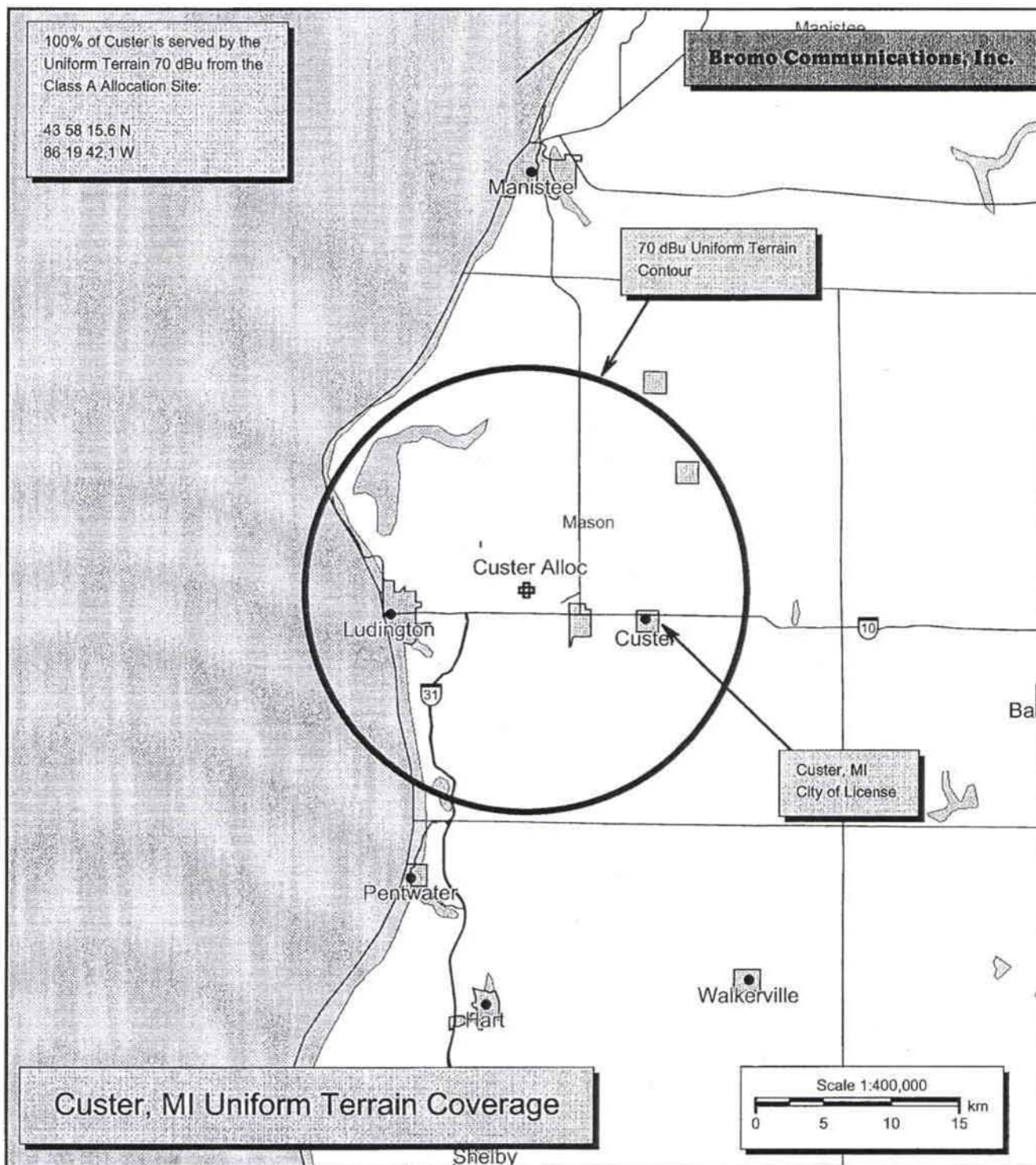
Clifton G. Moor, Bromo Communications, Inc.  
Technical Consultant to Roy E. Henderson



**Petition For Rule Making**  
**264 C3 - 100.7 mHz**  
**Bear Lake, MI**

**Bromo Communications, Inc.**

February 2012



**Petition For Rule Making**  
**264 C3 - 100.7 mHz**  
**Bear Lake, MI**

**Bromo Communications, Inc.**  
February 2012

**WCUZ Perfect C3 Site**  
**Roy E. Henderson**

REFERENCE

44 30 47.1 N.

CLASS = C3 Int = B1

86 05 45.1 W.

Current Spacings to 3rd Adj.

DISPLAY DATES

DATA 02-17-12

SEARCH 02-18-12

----- Channel 264 - 100.7 MHz -----

| Call         |       | Channel | Location  |    | Azi   | Dist | FCC  | Margin |
|--------------|-------|---------|-----------|----|-------|------|------|--------|
| WCUZ         | CP -N | 261A    | Bear Lake | MI | 278.1 | 1.5  | 42.0 | -40.5  |
| WCUZ         | LIC   | 261A    | Bear Lake | MI | 191.3 | 10.4 | 42.0 | -31.6  |
| AU7058386VAC |       | 263A    | Custer    | MI | 190.9 | 59.6 | 89.0 | -29.4  |

It is proposed to Change the Custer Allocation to Channel 260A.  
On the new channel there is no relationship to WCUZ on 264C3.

|         |       |       |               |    |       |       |       |      |
|---------|-------|-------|---------------|----|-------|-------|-------|------|
| WOBE    | LIC-N | 264C1 | Crystal Falls | MI | 314.3 | 211.1 | 211.0 | 0.09 |
| WWBR    | LIC   | 265A  | Big Rapids    | MI | 152.3 | 106.4 | 89.0  | 17.4 |
| WICV    | LIC   | 265A  | East Jordan   | MI | 46.4  | 108.0 | 89.0  | 19.0 |
| WLJN-FM | APP-D | 210C1 | Traverse City | MI | 49.4  | 45.2  | 24.0  | 21.2 |
| WLJN-FM | LIC   | 210C2 | Traverse City | MI | 49.4  | 45.2  | 17.0  | 28.2 |
| WEEH-LP | LIC   | 263L1 | Hart          | MI | 195.7 | 96.8  | 67.0  | 29.8 |
| WITL-FM | LIC   | 264B  | Lansing       | MI | 147.3 | 241.4 | 211.0 | 30.4 |
| WKKV-FM | LIC   | 264B  | Racine        | WI | 220.3 | 246.6 | 211.0 | 35.6 |
| WGRY-FM | LIC-N | 262C1 | Grayling      | MI | 86.2  | 111.7 | 76.0  | 35.7 |

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Reference station has protected zone issue: Canada

**Custer Channel 260 Perfect Allocation Site  
Mason County Broadcasting Co.**

REFERENCE

43 58 15.6 N.

CLASS = A Int = A

86 19 42.1 W.

Current Spacings to 3rd Adj.

DISPLAY DATES

DATA 02-17-12

SEARCH 02-18-12

----- Channel 260 - 99.9 MHz -----

| Call | Channel   | Location |    | Azi   | Dist  | FCC   | Margin |
|------|-----------|----------|----|-------|-------|-------|--------|
| WUGN | LIC 259C0 | Midland  | MI | 108.9 | 152.2 | 152.0 | 0.16   |

WUGN is shown here as being downgraded to Class C0.

|         |            |               |    |       |       |       |      |
|---------|------------|---------------|----|-------|-------|-------|------|
| WVIB    | LIC-D 261A | Holton        | MI | 169.1 | 74.3  | 72.0  | 2.3  |
| WEEH-LP | LIC 263L1  | Hart          | MI | 192.9 | 33.8  | 29.0  | 4.8  |
| WOUF    | LIC 257C2  | Beulah        | MI | 10.6  | 72.3  | 55.0  | 17.3 |
| WZDR    | LIC 259C2  | Sturgeon Bay  | WI | 306.0 | 127.2 | 106.0 | 21.2 |
| WHFB-FM | LIC-N 260B | Benton Harbor | MI | 180.5 | 223.2 | 178.0 | 45.2 |

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Reference station has protected zone issue: Canada